



MEMO ENDORSED

U.S. Department of Justice

United States Attorney
Southern District of New York

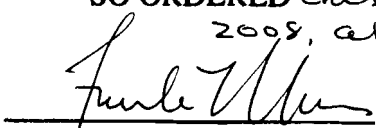
86 Chambers Street, 3rd Floor
New York, New York 10007

June 13, 2008

VIA HAND DELIVERY

The Honorable Frank Maas
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 740
New York, New York 10007

Re: Antongiorgi v. United States,
07 Civ. 3185 (FM)

APPLICATION GRANTED. Settlement
SO ORDERED *cert. August 7*
2008, at 2 pm

Frank Maas, USMJ *6/16/08*

Dear Judge Maas:

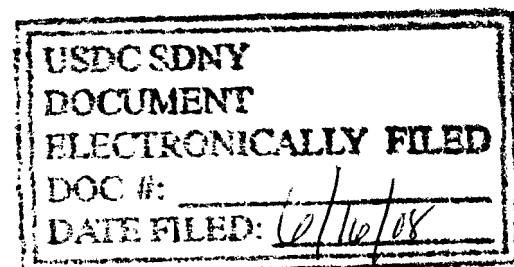
On behalf of the parties to the above-referenced action brought against the United States pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.*, we respectfully request a two-month extension to complete all discovery in this matter, as well as an adjournment of the settlement conference presently scheduled for June 18, 2008. The extension is necessary for the reasons explained below.

First, the United States was only recently, on June 3, 2008, able to depose Plaintiff Angel Antongiorgi, who resides in Las Vegas, Nevada, because Mr. Antongiorgi suffered a heart attack last Fall and has not been able to travel until just recently. His deposition revealed that he has sought additional treatment from medical providers – other than the VA – which will likely require discovery from third parties.

Second, Plaintiff has deposed one doctor, Dr. Howard Leaf, in this case and several doctors are scheduled to be deposed in the next few weeks. As a result of Dr. Leaf's deposition, however, it was discovered that a category of VA medical records may have inadvertently not been identified and produced. That matter has been addressed, and additional medical records have been provided to the Plaintiff today. Plaintiff will need more time to review these records before proceeding with the deposition of additional doctors.

Third, because fact discovery has been delayed, our expert disclosures have also been delayed. As such, the parties jointly propose the following schedule for the Court's consideration:

Completion of Fact Discovery:	July 31, 2008
Plaintiff's Expert Report:	August 31, 2008
Defendant's Expert Report:	September 31, 2008
Rebuttal Report, if any:	October 15, 2008



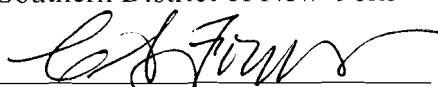
The parties believe that this extension of discovery deadlines would provide an opportunity to have a meaningful settlement conference. As such, we would respectfully request a settlement conference after the completion of fact discovery, but before expert discovery deadlines.

Thank you for your consideration of this request.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By:



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Enclosures

VIA EMAIL AND FIRST CLASS MAIL

cc: Jack Kanzler, Esq.
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